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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,874	01/09/2004	Hans Joachim Halamoda	7863-80940	6117
42798	7590	10/26/2005	EXAMINER	
FITCH, EVEN, TABIN & FLANNERY P. O. BOX 65973 WASHINGTON, DC 20035			NGUYEN, PHONG H	
			ART UNIT	PAPER NUMBER

3724

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/753,874	Applicant(s) HALAMODA ET AL.	
	Examiner Phong H. Nguyen	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Cotter (6,516,696 B2).

Regarding claim 1, Cotter teaches a punching device capable of punching holes on a ceramic substrate comprising:

a receiving device, which has a substantially flat receiving face for a ceramic substrate (16), and in which a punched hole is embodied;

at least one die, which disposed above a punched hole and has a shaft 34 and an operative portion 28 that extends through a stripper opening 93', which is disposed in a stripper above the associated respective punched hole and extends to an outer face of the stripper facing the receiving face, and that has diameter that is less than the diameter of the shaft and greater than the diameter of an associated punched hole, and

the operative portion, at its lower end, has a punching portion 26 whose diameter is somewhat less than the diameter of the punched hole;

a drive mechanism (14, 10), which is connected in driving fashion to the die in order to move linearly by a defined stroke and in the process to move the punching portion into the punched hole and out of it; and

a die guide device 40, through which the shaft extends and which guides the die at its shaft. See Figs. 2-4.

Regarding claims 2 and 11, the upper portion of the punching portion is unguided in the transverse direction in a ready state as shown in Fig. 2.

Regarding claims 3 and 12, the die guide device 40 having a bush 90 with a passage is best seen in Fig. 3.

Regarding claims 4 and 13, see Figs. 2 and 3.

Regarding claims 5, 14 and 15, as the die is moved downwardly a distance equal to the length of the punching portion 26, the punching portion makes a hole on the work piece 16. Therefore, the length of the punching portion is considered to be equal to the length of the stroke of the drive mechanism. See Fig. 2.

Regarding claims 6 and 16, it appears that the length of the operative portion is greater than the stroke of the drive mechanism. See Fig. 2-4.

Regarding claim 7, the punched hole and a slug conduit having a greater diameter than the punched holed are best seen in Fig. 2.

Regarding claim 8, the diameter of the shaft 34 is a multiple of the diameter of a segment of the operative portion which is the punching portion. See Fig. 2.

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Regarding claim 9, Cotter teaches a punching device capable of punching holes on a ceramic substrate comprising: a receiving device, a die having a shaft 34, an operative portion having a first part 28 and a second punching part 26, a stripper opening 93', a drive mechanism (14, 10) and a die guide 40. See Figs. 2-4.

Regarding claims 10 and 19, see Fig. 2.

Regarding claims 17 and 20, see Fig. 2.

Regarding claim 18, Cotter teaches a tool for punching a sheet like substrate comprising:

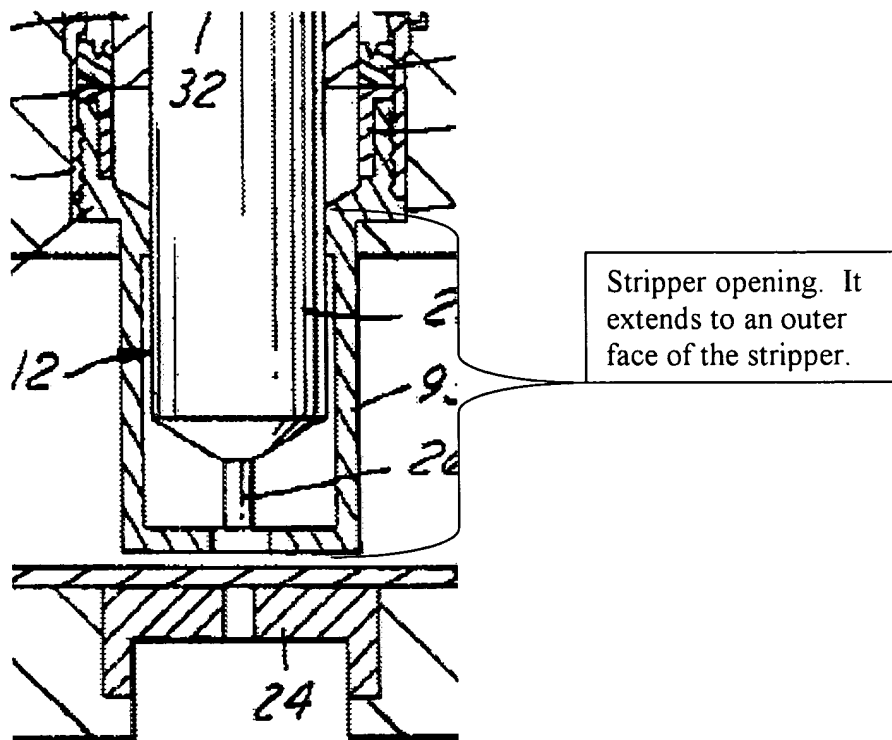
a lower tool part having a flat receiving face for a substrate 16;

an upper tool part including a die having a shaft 34, a graduated operative portion including a first part 28 and a second punching part 26, a linear guide 40, a stripper bush 93' and a drive mechanism (14,10). See Figs. 2-4.

### ***Response to Arguments***

3. Applicant's arguments filed on 08/18/2005 have been fully considered but they are not persuasive.

Regarding claims 1 and 9, element 93' meets the claim language. The entire element 93' is considered the stripper opening. It extends from element 84 to the end that faces the punched hole and it receives the operative portion.



Regarding claim 18, element 93' meets the limitation of the stripper bush since it partially guides the operative portion at portion 84 and extends to an outer surface of the stripper bush.

### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H. Nguyen whose telephone number is 571-272-4510. The examiner can normally be reached on Mon-Fri.

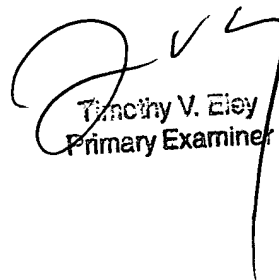
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN:



October 24, 2005



Timothy V. Eley  
Primary Examiner